

AARON D. FORD  
Attorney General  
DOUGLAS R. RANDS, Bar No. 3572  
Senior Deputy Attorney General  
State of Nevada  
100 N. Carson Street  
Carson City, Nevada 89701-4717  
Tel: (775) 684-1150  
E-mail: drands@ag.nv.gov

*Attorneys for Defendant  
Romeo Aranas, Renee Baker, Gloria Carpenter,  
James Dzurenda, Dawn Jones, Michael Koehn  
and Greg Martin*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

MARTY FITZGERALD,

Case No. 3:17-cv-00278-MMD-CLB

vs.

**MOTION FOR EXTENSION OF TIME TO  
FILE DISPOSITIVE MOTIONS  
(Second Request)**

LPN GREG MARTIN, et al.,

Defendants, Romeo Aranas, Renee Baker, Gloria Carpenter, James Dzurenda, Dawn Jones, Michael Koehn and Greg Martin, by and through counsel, Aaron D. Ford, Attorney General of the State of Nevada, and Douglas R. Rands, Senior Deputy Attorney General, hereby extension of time to file dispositive motions. (Second Request) This Motion is made and based upon Federal Rules of Civil Procedure 6(b)(1)(A), the attached Points and Authorities, the papers and pleadings on file herein, and such other and further information as this Court may deem appropriate.

**MEMORANDUM OF POINTS AND AUTHORITIES**

**I. FACTUAL ANALYSIS**

This is a *pro se* prisoner civil rights action brought by Plaintiff, inmate Marty Fitzgerald, #73049 (Plaintiff), under 42 U.S.C. § 1983 and the Eighth Amendment to the U.S. Constitution alleging medical deliberate indifference claims arising from hepatitis C (HCV) and other medical treatment. *See* ECF No. 11 at 6.

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Plaintiff is an inmate in the custody of the Nevada Department of Corrections (NDOC). He has made a second request to continue this matter for 5 or 6 months. (ECF No. 88) While it is not clear, it appears Plaintiff is requesting additional time for discovery and to hire an attorney. He states that he is looking for an attorney out of state. The Defendants do not oppose the request, however, on June 1, 2021, this Court issued a Scheduling Order, (ECF No. 79) ordering that dispositive motions must be filed no later than Wednesday, December 29, 2021. If the Court is considering Plaintiff's Motion for additional time, it seems prudent to request this Court extend the dispositive motion deadline. Judicial resources would be better spent by having a briefing period after the additional discovery period, if ordered by this Court. Additionally, due to issues and hearings that Counsel completed in December, and the fact that many persons, including the Defendants are not available during the holiday season, the Defendants request additional time to file the dispositive motion in this matter.

## **II. LEGAL ANALYSIS**

Federal Rule of Civil Procedure 6(b)(1) governs extensions of time and provides as follows:

When an act may or must be done within a specified time, the court may, for good cause, extend the time: (A) with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires; or (B) on motion made after the time has expired if the party failed to act because of excusable neglect.

Defendants' request is timely and will not hinder or prejudice Plaintiff's case but will allow for a thorough opportunity to brief a dispositive motion. The requested extension of time should permit the Defendants time to adequately research, draft, and submit a well briefed dispositive motion in this case. Defendants assert that the requisite good cause is present to warrant the requested extension of time. In light of this situation, it is respectfully asserted that a short extension is warranted. This is particularly true if the Court is favorably disposed to Plaintiff's request for additional time. Additionally, as stated above, Counsel has been involved in trials and hearings on matters, including the Zane Floyd death penalty evidentiary hearings during this month. Therefore, a 30 day extension is requested, either from today or from whatever discovery extension this Court may consider.

1 **III. CONCLUSION**

2 Defendants asserts that the requisite good cause and extenuating circumstances are present  
3 to warrant the requested extension of time. Therefore, the Defendants requests an extension, until  
4 following whatever extension the Court deems appropriate, to file their dispositive motion.  
5 Minimally, the Defendants request an extension of 30 days, or to **Friday, January 29, 2022**, to file  
6 their dispositive motion.

7 DATED this 29th day of December, 2021.

8 AARON D. FORD  
9 Attorney General


10 By: /s/ Douglas R. Rands  
11 DOUGLAS R. RANDS, Bar No. 3572  
12 Senior Deputy Attorney General

*Attorneys for Defendants*

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14 Dispositive motions shall be filed on or before  
15 January 29, 2022. If the Court grants Plaintiff's request  
16 to extend discovery, the dispositive motion deadline  
will be likewise extended further.

17 IT IS SO ORDERED.

18 Dated: December 29, 2021.

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21 UNITED STATES MAGISTRATE JUDGE  
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**CERTIFICATE OF SERVICE**

I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on this 29th day of December, 2021, I caused to be served a copy of the foregoing, **MOTION FOR EXTENSION OF TIME TO FILE DISPOSITIVE MOTIONS (Second Request)**, by U.S.

District Court CM/ECF Electronic Filing to:

Marty S. Fitzgerald, #73049  
Northern Nevada Correctional Center  
P. O. Box 7000  
Carson City, NV 89702

/s/ Roberta W. Bibee  
An employee of the Office  
of the Attorney General